

Ted M. Brindle, OSB #851627  
Email: [tmb@bmllaw.net](mailto:tmb@bmllaw.net)  
Cary C. Novotny, OSB #953688  
Email: [ccn@bmllaw.net](mailto:ccn@bmllaw.net)  
BRINDLE MCCASLIN & LEE, P.C.  
101 SW Main Street Suite 950  
Portland, Oregon 97204  
Telephone: 503-224-4825  
Facsimile: 503-228-7924  
Attorneys for Plaintiffs Carson Smith,  
and SMITHONLY Corporation

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

CARSON SMITH, an individual, and  
SMITHONLY CORPORATION,

Civil No.: 10-CV-72-BR

Plaintiffs,

v.

JOINT STATUS REPORT

DENNIS HEALY, HOLLY HEALY, as  
individuals, SKY CORPORATION, LTD., an  
unincorporated business entity, RKD  
PREMIUM PRODUCTS, AN OREGON  
CORPORATION, KENNETH TANG, an  
individual, and K'S PREMIUM PRODUCTS  
COMPANY, an unincorporated business  
entity,

Defendants.

**JOINT STATUS REPORT**

Pursuant to this Court's Order, Doc. No. 37, the parties provide their Joint Status Report.

The parties were unsuccessful in settling this case at the mediation held before the Honorable

**1 – JOINT STATUS REPORT**

BRINDLE MCCASLIN & LEE, P.C.  
101 SW Main Street Suite 950  
Portland, Oregon 97204  
Telephone: 503-224-4825

Thomas Coffin on November 18, 2010. The defendant intends to voluntarily dismiss without prejudice its counterclaim seeking a declaration of co-ownership of the invention. Defendants intend to proceed with their counterclaim for attorney fees by filing a motion for attorneys' fees within twenty days of filing this report. Plaintiff's are considering filing a motion to amend their complaint in line with the court's rulings against their current claims by adding a new claim alleging Defendant's conversion of personal property of Plaintiffs. If Plaintiff decides to file such motion, then Plaintiff will file no later than December 13, 2010.

**DATED** this 29<sup>th</sup> day in November, 2010.

Jointly and respectfully submitted by:

/s/Cary Novotny

Cary Novotny, OSB #953688  
BRINDLE MCCASLIN & LEE. P.C.  
101 S.W. Main Street, Suite 950  
Portland, Oregon 97204  
Telephone: (503) 224-4825  
Fax: (503) 228-7924  
Of Attorneys for Plaintiffs

/s/ Michael M Ratoza

Michael M. Ratoza, #OSB #763010  
BULLIVANT Houser PC  
888 SW 5th Ave Ste 300  
Portland, OR 97204  
Telephone: (503) 228-6351  
Fax: (503) 295-0915  
Of Attorneys for Defendants

## **2 – JOINT STATUS REPORT**

BRINDLE MCCASLIN & LEE, P.C.  
101 SW Main Street Suite 950  
Portland, Oregon 97204  
Telephone: 503-224-4825